IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.2689 OF 2007

New India Assurance Co.Ltd. .. Appellant
v/s.
Mr. John Mathias Gomes and another ..Respondent

Mr. I.R. Kulkarni for the appellant.

CORAM : ABHAY S. OKA, J.
DATED : 29TH NOVEMBER, 2007

P.C.

Heard the learned advocate appearing for the appellant. He invited my attention to the following part of the order dated 4th August, 2007 passed by the Tribunal:-

> "It is pertinent to note that during course of arguments, the Learned Advocate for the insurer fairly conceded that their authorised insurer agent received premium on 28.1.2005 and accordingly issued a letter."

2. The learned advocate for the appellant submits that this statement has been incorrectly recorded by the learned Member of the Tribunal and in fact, no such statement was

made by the advocate who appeared for the appellant before the Tribunal.

3. He, therefore, seeks permission to withdraw this appeal with liberty to apply to the Tribunal for seeking necessary clarification as regards the said statement and/or to apply for recalling the order dated 4th August, 2007. He submitted that appeal may be permitted to withdrawn with liberty to the appellant to apply as aforesaid.

4. The request made is reasonable. Accordingly, appeal is dismissed as withdrawn with liberty as prayed. No order as to costs.

5. The amount deposited by the appellant in this court shall be transferred to the concerned Tribunal. Refund of court fees as per rules.

ABHAY S. OKA, J.